

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW DELGADO-SNEGIREV,
Defendant.

Case No. 2:22-CR-0047-TOR

STIPULATED PROTECTIVE
ORDER REGARDING COMPUTER
FORENSIC REVIEW PROCEDURES
FOR CHILD PORNOGRAPHY
CONTRABAND

BEFORE THE COURT is the parties' Stipulated Motion for Protective Order Regarding Computer Forensic Review Procedures for Child Pornography Contraband. ECF No. 18. The motion was submitted for consideration without oral argument on an expedited basis. Having reviewed the file and the records therein, the Court is fully informed. For good cause shown, the motion is GRANTED and it is HEREBY ORDERED:

1. That 18 U.S.C. § 3509(m) applies to this case, and the Court is required to deny defense requests to copy, photograph, duplicate, or otherwise reproduce material constituting child pornography if the government makes the material reasonably available to Defendant and provides an ample opportunity for the defense to examine it at a government facility. *See* 18 U.S.C. § 3509(m).

2. That, in order to comply with 18 U.S.C. § 3509(m), and to allow Defendant

1 the greatest opportunity to prepare an effective defense in preparation for trial in this
2 matter, the government will make a true forensic extraction and/or image of devices and
3 media containing alleged child pornography contraband at issue in the above-referenced
4 case. The government will make that forensic extraction and/or image reasonably
5 available to Defendant and provide ample opportunity for the defense team to examine it
6 at a government facility in Spokane, Washington. The parties may readdress the Court if
7 there is a need for additional or after-hours access during the course of litigation in the
8 event trial or motion hearings require additional forensic review.

9 3. That the defense forensic examination will be conducted in an interview
10 room monitored by closed-circuit television (“CC-TV”), without audio feed. While the
11 TV with non-audio feed will ensure the integrity of FBI/HSI space and security of its
12 occupants, the video feed is not of sufficient detail or at an angle that would reveal defense
13 strategy. The government and its agents expressly agree that no attempt will be made to
14 record any audio from the workstation and that no attempt will be made to observe the
15 defense team’s work product or computer monitor screen at any time. The defense expert
16 may review the feed to ensure that defense strategy is not being compromised at any time
17 while conducting the forensic review.

18 4. That the defense team¹ shall not make, nor permit to be made, any copies of
19 the alleged child pornography contraband pursuant to this Protective Order and shall not
20 remove any contraband images from the government facility. The defense expert will be
21 allowed to copy any file that is not contraband and compile a report (without contraband
22 images/videos) documenting the examination on removable media at the discretion of the
23 defense expert.

24 5. That the designated defense expert will leave at the government facility any
25

26 ¹ For purposes of this Protective Order, the term “defense team” refers solely to
27 Defendant’s counsel of record, Colin G. Prince (“defense counsel”), Defendant’s
28 designated expert (“defense expert”), and a defense investigator.

1 equipment, including hard drives, which contain child pornography contraband that is
2 identified during forensic evaluation. The parties may readdress this matter with the Court
3 upon notice that the defense intends to retain a different defense expert.

4 6. That for the purpose of trial, the government agrees to make available a
5 digital copy of any government trial exhibit that contains contraband, which will be kept
6 in the custody and control of the case agent. Upon reasonable notice by the defense, the
7 case agent will also maintain for trial digital copies of any proposed defense exhibit that
8 contains contraband. If the defense team intends to offer, publish, or otherwise utilize any
9 government or defense exhibit contained on the digital copy maintained by the case agent
10 during trial, the case agent shall assist the defense team in publishing or utilizing the
11 exhibit that contains contraband upon notification by the defense team.

12 IT IS SO ORDERED. The Clerk shall enter this Order and furnish copies to
13 counsel.

14 Dated May 5, 2022.



Thomas O. Rice
THOMAS O. RICE
UNITED STATES DISTRICT JUDGE